



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,855	08/03/2001	Oliver O. Stanchfield	TPP 31390	6671

7590 09/10/2003

Stevens, Davis, Miller & Mosher, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

EXAMINER

TRAN A, PHI DIEU N

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,855

Applicant(s)

STANCHFIELD, OLIVER O.

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,27,28,30 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,27,28,30 and 32-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 2 “and/or” is indefinite. It confuses the scope of the claim.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations “a surface, a décor sheet” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 3637

2. Claims 1-2, 5-6, 9, 10, 13, 37, 40, 44 are rejected under 35 U.S.C. 102(a) as being anticipated by Santarossa (6253510).

Santarossa shows a molding having a longitudinal axis (figure 1, along the length of the molding), a core (5), a surface formed of a thermosetting resin and a décor sheet (col 3 lines 1-10), the molding having a generally planar engaging surface(10), a pad (the part of finish and base coating that coats the surface 10) positioned along the engaging surface, the pad resiliently creates a substantially moisture tight seal so as to prevent moisture from seeping between the floor and the molding when the molding is in an installed positioned (the finish and base coating being resilient and flexible), a face on the molding and positioned to face outwardly from the corner, the face being one of flat or curve, an adhesive (2) positioned on the pad, an intermediate surface (8) connecting different engaging surfaces (3,4), the intermediate surface being angled so that the three engaging surfaces forming a generally triangular shape in a plane transverse to the longitudinal axis, the pad being positioned distal a front edge (the edge closer to the corner) of the floor engaging surface, the front edge of the floor engaging surface is distal the corner (formed by 3, 4), the molding having a generally uniform cross section at planes transverse to the longitudinal axis, glue (2) being applied immediately to the pad before placing the molding in the installed condition, the pad being adjacent to the floor engaging surface, the décor sheet comprises a color or pattern adapted to be complementary to an upper surface of a floating floor.

3. Claims 1, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wenrick (4010297).

Wenrick (figure 6) shows a molding having a longitudinal axis, a core (20), a surface (24) formed of thermosetting resin, a décor sheet (36,34), the molding having a generally planar

Art Unit: 3637

floating floor engaging surface (38), a pad (22) positioned along the floating floor engaging surface, the pad resiliently creates a substantially moisture tight seal (inherently capable of adapted to do so), the pad including a preformed layer of adhesive (52), a removable film (54) covers the adhesive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santarossa (6253510) in view of DeGraan (4655009).

Santarossa shows all the claimed limitations except for the molding having a wall engaging surface with apertures therein to allow a connector to pass therethrough.

DeGraan shows a molding having a wall engaging surface with apertures therein to allow a connector(26) to pass therethrough to anchor the molding to the wall in addition to the adhesive (19).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Santarossa to show the molding having a wall engaging surface with apertures therein to allow a connector to pass therethrough because it would further enhance the fastening of the molding to a wall in addition to adhesive as taught by DeGraan.

6. Claims 1, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser (5433048) in view of Wenrick (4010297).

Strasser shows a molding having a longitudinal axis, a core, the core having a surface of a thermosetting resin (inherently so as the surface is made of the same material as the core), the molding having a generally planar floating floor engaging surface (2), a pad (the part of the surface 2 that extends toward the corner) positioned along the floating floor engaging surface, the pad resiliently creates a substantially moisture tight seal, the pad being formed of a material that is a resilient material made from one of a closed cell foamed plastic material or an open cell foamed plastic material.

Strasser does not show a décor sheet.

Wenrick shows a décor sheet (36, 34) attached to the molding for creating an appealing structure for the molding.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Strasser to show a décor sheet because it would create an appealing structure for the molding as taught by Wenrick.

Per claim 12, Strasser as modified shows all the claimed limitations except for the pad having a hollow formed therein.

Strasser (figure 4) discloses a hollow in the core to reduce weight of the core.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Strasser's modified structure to show a hollow formed in the pad because it would reduce the weight of the foam structure as taught by Strasser and increase the resiliency of the pad.

Art Unit: 3637

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santarossa (6253510) in view of Margarit (5979132).

Santarossa shows all the claimed limitations except for a floating floor.

Margarit discloses a floating floor with a molding for covering the floating floor.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Santarossa to show the molding being used with a floating floor as taught by Margarit because it is well known in the art to use a molding to cover a floating floor and wall joint.

8. Claims 27-28, 30, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser (5433048) in view of Margarit (5979132).

Strasser discloses installing a molding (5) into contact with a floor, the molding being provided with a pad (the part before the slot 7 in figures 2-3) positioned to contact the floor, the pad being a resilient material that is one of a closed cell foamed plastic or an open cell foamed plastic, the pad being compressed when the molding is installed in contact with the floor.

Strasser does not disclose the floor being a floating floor.

Margarit discloses a molding used to connect a floating floor and a wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to show Strasser's floor being a floating floor as taught by Margarit because it is well known in the art to cover the corner of a floating floor and a wall with a molding as such covering will provide an aesthetic appearance to the corner.

Strasser as modified shows all the claimed method steps.

Art Unit: 3637

9. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser in view of Margarit as applied to claim 32 above, and further in view of Pelosi Jr et al (5553431).

Strasser as modified shows all the claimed limitations except for the step of applying a sealant to the first and second ends of the molding.

Pelosi Jr et al discloses the step of applying a sealant (42) to the end of the molding to establish a water tight seal between a wall and a floor.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Strasser's modified structure to show sealant being applied to the first and second ends of the molding because it would enable the molding to provide a water tight seal between a wall and a floor as taught by Pelosi Jr. et al. Strasser as modified shows all the claimed limitations. The claimed method steps would have been the obvious method step of preventing moisture from seeping into a gap between a floating floor and a molding with Strasser's modified structure.

Per claim 33, Strasser as modified shows all the claimed limitations except for the sealant being a silicone sealant.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Strasser's modified structure to show the sealant being a silicone sealant because a silicone sealant is a well known sealant used to prevent water from entering cracks at corners of wall and floor as illustrated by sealant products in Home Depot and Lowes in the water sealant sections.

10. Claims 35-36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santarossa in view of Margarit.

Santarossa shows all the claimed limitations except for the core being formed from compressed wood particles and a binder thereof, the wood particles and binder being high density fiberboard or medium density fiberboard.

Santarossa discloses wood molding being a commonly used molding (col 1 lines 22-25).

Margarit discloses a molding made of high density fiberboard (col 7 lines 15-26, col 2 lines 4-7).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Santarossa to show the core being formed from compressed wood particles and a binder, the wood particles and binder being high density fiberboard or medium density fiberboard because it is well known to have wood molding as taught by Santarossa and having the core being formed from compressed wood particles and a binder would enable material cost saving per the availability of cheap wood particles and binder, and forming the core with wood particles and a binder also enables easy forming of a variety of shapes and sizes of the molding as it requires only the change in the size and shape of the die.

11. Claims 36, 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santarossa in view of Margarit.

Santarossa shows all the claimed limitations except for the core being formed from the group consisting of high density fiberboard and medium density fiberboard.

Margarit discloses a molding made of high density fiberboard (col 7 lines 15-26, col 2 lines 4-7).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Santarossa to show the core being formed from high density fiberboard

Art Unit: 3637

because it is well known in the art to have moldings made of high density fiberboard as taught by Margarit.

12. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santarossa in view of Margarit.

Santarossa shows all the claimed limitations except for the molding being positioned at an intersection of a floating floor and the wall, the décor sheet having a color and/or pattern complementary to an upper surface of the floating floor.

Margarit discloses a molding made positioned at an intersection of a floating floor and a wall, the décor sheet having a color and/or pattern complementary to an upper surface of the floating floor (col 2 lines 30-33)

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Santarossa to show the molding being positioned at an intersection of a floating floor and the wall, the décor sheet having a color and/or pattern complementary to an upper surface of the floating floor because it would enable the molding to cover the intersection between a floating floor and a wall as taught by Margarit and having the décor sheet having a color and/or pattern complementary to an upper surface of the floating floor would enhance the aesthetic appearance of the corner as taught by Margarit.

Response to Arguments

13. Applicant's arguments with respect to claims 1-3,5-15,27-28,30,32-34 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3637

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different molding elements and installation methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A
9/8/03